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(f) EPA will calculate the annual cellulosic standard using the following equation:

$$RFCell_i = 100 * \frac{Cell_i}{(G_i - R_i) + (GS_i - RS_i)}$$

Where:

$RFCell_i$ = Renewable Fuel Cellulosic Standard in year i, in percent.

G_i = Amount of gasoline projected to be used in the 48 contiguous states, in year i, in gallons.

R_i = Amount of renewable fuel blended into gasoline that is projected to be used in the 48 contiguous states, in year i, in gallons.

GS_i = Amount of gasoline projected to be used in noncontiguous states or territories (if the state or territory opts-in), in year i, in gallons.

RS_i = Amount of renewable fuel blended into gasoline that is projected to be used in noncontiguous states or territories (if the state or territory opts-in), in year i, in gallons.

$Cell_i$ = Amount of renewable fuel that is required to come from cellulosic sources, in year i, in gallons.

[72 FR 23993, May 1, 2007]

§ 80.1106 To whom does the Renewable Volume Obligation apply?

(a) (1) An obligated party is a refiner that produces gasoline within the 48 contiguous states, or an importer that imports gasoline into the 48 contiguous states. A party that simply adds renewable fuel to gasoline, as defined in § 80.1107(c), is not an obligated party.

(2) If the Administrator approves a petition of Alaska, Hawaii, or a United States territory to opt-in to the renewable fuel program under the provisions in § 80.1143, then ''obligated party'' shall also include any refiner that produces gasoline within that state or territory, or any importer that imports gasoline into that state or territory.

(3) For the purposes of this section, ''gasoline'' refers to any and all of the products specified at § 80.1107(c).

(b) For each compliance period starting with 2007, any obligated party is required to demonstrate, pursuant to § 80.1127, that it has satisfied the Renewable Volume Obligation for that compliance period, as specified in § 80.1107(a).

(c) An obligated party may comply with the requirements of paragraph (b) of this section for all of its refineries in the aggregate, or for each refinery individually.

(d) An obligated party must comply with the requirements of paragraph (b) of this section for all of its imported gasoline in the aggregate.

(e) An obligated party that is both a refiner and importer must comply with the requirements of paragraph (b) of this section for its imported gasoline separately from gasoline produced by its refinery or refineries.

(f) Where a refinery or importer is jointly owned by two or more parties, the requirements of paragraph (b) of this section may be met by one of the joint owners for all of the gasoline produced at the refinery, or all of the imported gasoline, in the aggregate, or each party may meet the requirements of paragraph (b) of this section for the portion of the gasoline that it owns, as long as all of the gasoline produced at the refinery, or all of the imported gasoline, is accounted for in determining the renewable fuels obligation under § 80.1107.

(g) The requirements in paragraph (b) of this section apply to the following compliance periods:

(1) For 2007, the compliance period is September 1 through December 31.

(2) Beginning in 2008, and every year thereafter, the compliance period is January 1 through December 31.

[72 FR 23993, May 1, 2007]

§ 80.1107 How is the Renewable Volume Obligation calculated?

(a) The Renewable Volume Obligation for an obligated party is determined according to the following formula:

$$RVO_i = (RFStd_i * GV_i) + D_{i-1}$$

Where:

RVO_i = The Renewable Volume Obligation for an obligated party for calendar year i, in gallons of renewable fuel.

$RFStd_i$ = The renewable fuel standard for calendar year i, determined by EPA pursuant to § 80.1105, in percent.

GV_i = The non-renewable gasoline volume, determined in accordance with paragraphs (b), (c), and (d) of this section, which is produced or imported by the obligated party in calendar year i, in gallons.

D_{i-1} = Renewable fuel deficit carryover from the previous year, per § 80.1127(b), in gallons.

(b) The non-renewable gasoline volume for a refiner, blender, or importer for a given year, GV_i, specified in paragraph (a) of this section is calculated as follows:

$$GV_i = \sum_{x=1}^{n} G_x - \sum_{y=1}^{m} RB_y$$

Where:

x = Individual batch of gasoline produced or imported in calendar year i.
n = Total number of batches of gasoline produced or imported in calendar year i.
G_X = Volume of batch x of gasoline produced or imported, in gallons.
y = Individual batch of renewable fuel blended into gasoline in calendar year i.
m = Total number of batches of renewable fuel blended into gasoline in calendar year i.
RB_y = Volume of batch y of renewable fuel blended into gasoline, in gallons.

(c) All of the following products that are produced or imported during a compliance period, collectively called ''gasoline'' for purposes of this section (unless otherwise specified), are to be included (but not double-counted) in the volume used to calculate a party's renewable volume obligation under paragraph (a) of this section, except as provided in paragraph (d) of this section:

(1) Reformulated gasoline, whether or not renewable fuel is later added to it.

(2) Conventional gasoline, whether or not renewable fuel is later added to it.

(3) Reformulated gasoline blendstock that becomes finished reformulated gasoline upon the addition of oxygenate (''RBOB'').

(4) Conventional gasoline blendstock that becomes finished conventional gasoline upon the addition of oxygenate (''CBOB'').

(5) Blendstock (including butane and gasoline treated as blendstock (''GTAB'')) that has been combined with other blendstock and/or finished gasoline to produce gasoline.

(6) Any gasoline, or any unfinished gasoline that becomes finished gasoline upon the addition of oxygenate, that is produced or imported to comply with a state or local fuels program.

(d) The following products are not included in the volume of gasoline produced or imported used to calculate a party's renewable volume obligation under paragraph (a) of this section:

(1) Any renewable fuel as defined in §80.1101(d).

(2) Blendstock that has not been combined with other blendstock or finished gasoline to produce gasoline.

(3) Gasoline produced or imported for use in Alaska, Hawaii, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas, unless the area has opted into the RFS program under §80.1143.

(4) Gasoline produced by a small refinery that has an exemption under §80.1141 or an approved small refiner that has an exemption under §80.1142 until January 1, 2011 (or later, for small refineries, if their exemption is extended pursuant to §80.1141(e)).

(5) Gasoline exported for use outside the 48 United States, and gasoline exported for use outside Alaska, Hawaii, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas, if the area has opted into the RFS program under §80.1143.

(6) For blenders, the volume of finished gasoline, RBOB, or CBOB to which a blender adds blendstocks.

(7) The gasoline portion of transmix produced by a transmix processor, or the transmix blended into gasoline by a transmix blender, under 40 CFR 80.84.

[72 FR 23993, May 1, 2007, as amended at 73 FR 57255, Oct. 2, 2008]

§§ 80.1108–80.1114 [Reserved]

§ 80.1115 How are equivalence values assigned to renewable fuel?

(a)(1) Each gallon of a renewable fuel shall be assigned an equivalence value by the producer or importer pursuant to paragraph (b) or (c) of this section.

(2) The equivalence value is a number that is used to determine how many gallon-RINs can be generated for a batch of renewable fuel according to §80.1126.

(b) Equivalence values shall be assigned for certain renewable fuels as follows:

(1) Cellulosic biomass ethanol and waste derived ethanol produced on or